

RESOLUTION NO. 2005-291

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING THE NECESSITY AND AUTHORIZING THE COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS TO SECURE REAL PROPERTY INTERESTS
NECESSARY TO CONSTRUCT THE GRANT LINE ROAD/STATE ROUTE 99
INTERCHANGE RECONSTRUCTION PROJECT
10519 East Stockton LLC
Portion of APN 134-0510-034**

WHEREAS, the improvement of the interchange of Grant Line Road and State Route 99 ("Project") holds a high priority in the City of Elk Grove Transportation Capital Improvement Program and acquiring the necessary right-of-way and real property interests is an important step in completing the Project; and

WHEREAS, as a part of said Project, it is necessary to acquire certain real property interests identified as a portion of APN 134-0510-034 ("Property") for the construction, operation and maintenance of right-of-way and related improvements along East Stockton Boulevard and Grant Line Road; and

WHEREAS, the City of Elk Grove has investigated and examined alternatives to the Project and the acquisition of the Property, and concluded that both the Project and acquisition of the Property for the Project are necessary; and

WHEREAS, the Property, which is the subject of this Resolution of Necessity, consists of the parcels identified and described and depicted in Exhibits A, A-1, A-2 and B, B-1, B-2 which are attached hereto and incorporated herein; and

WHEREAS, the Property is located entirely within the municipal boundaries of the City of Elk Grove; and

WHEREAS, the City of Elk Grove has complied with the requirements of the California Environmental Quality Act, Public Resources Code section 21000, *et seq.*, in regards to acquisition of the Properties based upon the City Council certifying an Environmental Impact Report for the Grant Line Road/State Route 99 Interchange Reconstruction Project on April 7, 2004; and

WHEREAS, the City of Elk Grove has complied with the requirements of Government Code section 7267.2, in regards to acquisition of the Property by making an offer to purchase to the known owner(s) of record; and

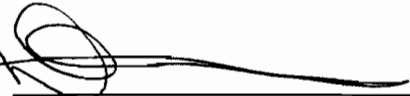
WHEREAS, as a result of the hearing held on September 14, 2005, and in accordance with the provisions of Code of Civil Procedure section 1245.235, the City Council of the City of Elk Grove intends to make certain findings and determinations.

NOW, THEREFORE, be it resolved by the City Council of the City of Elk Grove as follows:

1. The recitals contained herein are true and correct; and
2. Upon examination of the alternatives, the City of Elk Grove requires the Property for the Project; and
3. The City of Elk Grove is authorized to acquire the Property pursuant to the provisions of Government Code sections 37350.5, 37353, 40401 and 40414 and the provisions of the Eminent Domain Law comprising Title 7, Part 3 of the Code of Civil Procedure (commencing at section 1230.010); and
4. Acquisition of the Property for Project purposes promotes public safety and the general welfare, is authorized by Government Code sections 37350.5, 37353, 40401 and 40414, and is therefore a public use; and
5. The City of Elk Grove hereby finds, determines and declares:
 - a. The public interest and necessity require the proposed Project; and
 - b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
 - c. The Property, consisting of a partial Fee Simple Interest described in Exhibit A and depicted in Exhibit B; a Non-Exclusive, Appurtenant, Ingress and Egress Easement described in Exhibit A-1 and depicted in Exhibit B-1; and a Temporary Construction Easement described in Exhibit A-2 and depicted in Exhibit B-2, is necessary for the purposes of construction, operation and maintenance of the proposed Project; and
 - d. The property interests described and depicted in Exhibits A-1 and B-1 are being acquired as an appurtenant, non-exclusive ingress and egress easement under Code of Civil Procedure section 1240.350 for the benefit and use of the Property and the adjacent properties identified as 10471 Grant Line Road, Elk Grove, CA, Assessor Parcel No. 134-0510-035 and 10461 Grant Line Road, Elk Gove, CA, Assessor Parcel No. 134-0510-032, which would otherwise lose access onto East Stockton Boulevard as a result of the Project. Acquisition of this non-exclusive, appurtenant ingress and egress easement for the purpose of restoring access onto East Stockton Boulevard to the above-referenced adjacent properties is reasonably necessary and appropriate, after taking into account any hardship to the Property, and will provide said adjacent property owners with access onto East Stockton Boulevard; and

- e. The property interest described and depicted in Exhibits A and B and identified as Parcel 4-15-37-D is currently encumbered by an existing roadway easement and is being acquired for purposes of obtaining a public utilities easement and for purposes of providing an appurtenant, non-exclusive, ingress and egress easement under Code of Civil Procedure section 1240.350 for the benefit and use of the Property and the adjacent properties identified as 10471 Grant Line Road, Elk Grove, CA, Assessor Parcel No. 134-0510-035 and 10461 Grant Line Road, Elk Gove, CA, Assessor Parcel No. 134-0510-032, which would otherwise lose access onto East Stockton Boulevard as a result of the Project. Acquisition of this non-exclusive, appurtenant ingress and egress easement for the purpose of restoring access onto East Stockton Boulevard to the above-referenced adjacent properties is reasonably necessary and appropriate, after taking into account any hardship to the Property, and will provide said adjacent property owners with access onto East Stockton Boulevard
 - f. Prior to making the above findings and determinations, the offer required by section 7267.2 of the Government Code was made to the owner(s) of record of the Property interests described and depicted in Exhibits A, A-1, A-2, B, B-1, and B-2; and
 - g. The Property is be acquired for compatible use under Code of Civil Procedure section 1240.510 in that the City of Elk Grove's use of the Property will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future, or, in the alternative, for a more necessary public use under Code of Civil Procedure section 1240.610 in that the City's use of the Property is a more necessary public use than the use to which the Property is appropriated.
6. The City Attorney is hereby authorized and directed to prepare, commence and prosecute proceedings in eminent domain in the appropriate court to acquire for the City of Elk Grove the Property interests described and depicted in Exhibits A, A-1, A-2, B, B-1, and B-2. The City Attorney is further authorized to take all steps necessary to obtain such orders for immediate possession of the Property interests as may be required for the Project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of September 2005.



DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit 'A' Page 1 of 2

City Parcel 04-15-37-A
In or near APN 134-0510-034

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 1 of *Jackson/El Dorado Business Center* shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

BEGINNING at the northerly corner of said Parcel 1, on the centerline of Grant Line Road as shown on said map; thence along the northeasterly boundary of said Parcel 1, South40°50'46"East a distance of 24.155 meters to the southeasterly line of the "Grant Line Road Dedication" shown on said map; thence along said southeasterly line, South44°39'25"West a distance of 4.715 meters to the boundary between said Parcel 1 and Parcel 2 shown on said map; thence along last said boundary, North40°50'46"West a distance of 24.527 meters to said centerline of Grant Line Road; thence along said centerline, North49°11'07"East a distance of 4.700 meters to the **POINT OF BEGINNING**.

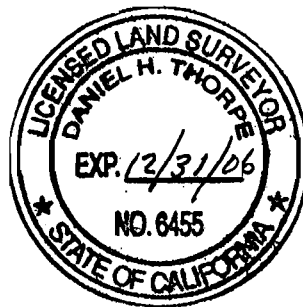
Containing an area of 0.01144 hectares (1,231 square feet or 0.0283 acres), more or less.

EXCEPTING THEREFROM an undivided interest in and to all gas, oil, minerals and other hydrocarbon substances lying below a depth of 500 feet from the surface of said land, as conveyed to OIMR, a General Partnership, by deed recorded on January 22, 1981, in Book 810122 Page 605, Official Records of Sacramento County.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



May 6, 2005
Date

Exhibit 'A' Page 2 of 2

City Parcel 04-15-37-D
In or near APN 134-0510-034

Located in the City of Elk Grove, County of Sacramento, State of California, being a 3.048 meter wide strip of land in Parcel 1 of *Jackson/El Dorado Business Center* shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

BEGINNING at the southerly corner of said Parcel 1, on the easterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along said right of way line, North $12^{\circ}17'08''$ West a distance of 80.051 meters to the westerly corner of said Parcel 1; thence along the boundary between said Parcel 1 and Parcel 2 shown on said Parcel Map, North $77^{\circ}42'52''$ East a distance of 3.048 meters to the easterly right of way line of the 10' R/W shown on the map recorded June 5, 1980, in Book 58 of Parcel Maps at Page 11, Records of Sacramento County; thence along said easterly right of way line of the 10' R/W, South $12^{\circ}17'08''$ East a distance of 78.394 meters to the southeasterly boundary of said Lot 1; thence along last said boundary, South $49^{\circ}11'02''$ West a distance of 3.469 meters to the **POINT OF BEGINNING**.

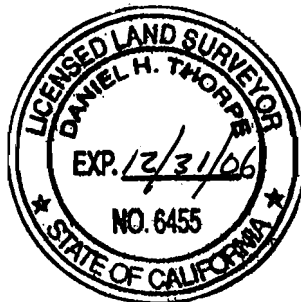
Containing an area of 0.02415 hectares (2,599 square feet or 0.0597 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

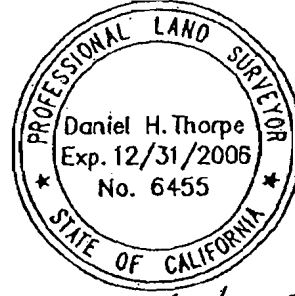
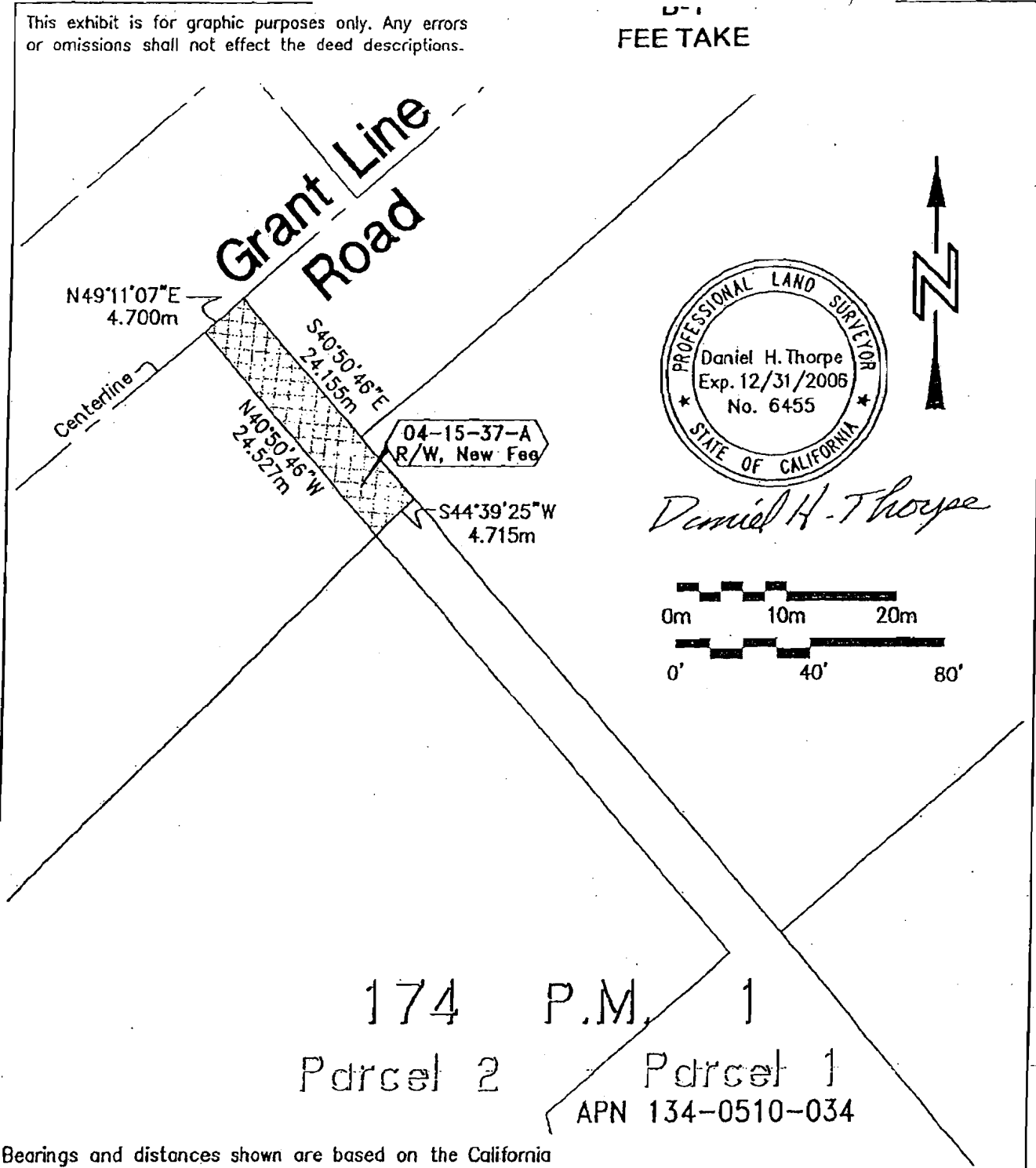
Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

May 6, 2005
Date

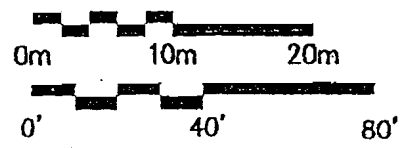


This exhibit is for graphic purposes only. Any errors or omissions shall not effect the deed descriptions.

FEE TAKE





Daniel H. Thorpe



174 P.M. 1
 Parcel 2 Parcel 1
 APN 134-0510-034

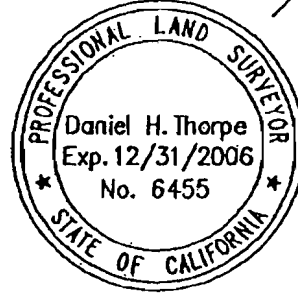
Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in meters. Divide distances shown by 0.99999 to get ground level distances.

 <p>Mark Thomas & Company Inc.</p>	<p>IN THE CITY OF ELK GROVE SACRAMENTO COUNTY, CALIFORNIA CITY PARCEL 04-15-37-A</p>	
<p>Scale 1 : 500 Date 28-Mar-2005 Drawn By Stanley Checked By Thorpe</p>	<p>EXHIBIT B Plat to Accompany Legal Description Fee Take of 0.01144±hectares (1,231±sq.ft. or 0.0283±acres) in APN 134-0510-034</p>	

This exhibit is for graphic purposes only. Any errors or omissions shall not effect the deed descriptions.

B-5
EXCESS

Daniel H. Thorpe



174 P.M. 1
Parcel 1

3.048m(10')
04-15-37-D
Excess R/W
P.U.E. Retained

APN 134-0510-034

4 Highway Maps 25



East Stockton Boulevard

State Parcel
12684-X

3.048m
N77°42'52"E

S12°17'08"E

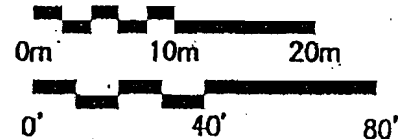
78.394m

N12°17'08"W 80.051m

18.288m(60')

S49°11'02"W

3.469m



Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in meters. Divide distances shown by 0.99999 to get ground level distances.



IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCEL 04-15-37-D



Scale 1 : 500
Date 28-Mar-2005
Drawn By Stanley
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Excess R/W (PUE Retained) of 0.02415±hectares
(2,599±sq.ft. or 0.0597±acres) in
APN 134-0510-034

Exhibit 'A-1' Page 1 of 2

City Parcel 04-15-37-G
In APN 134-0510-034

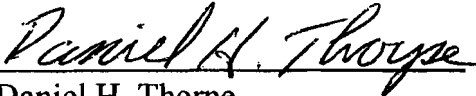
Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 1 of *Jackson/El Dorado Business Center* shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

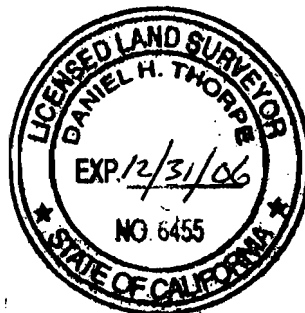
COMMENCING at the southerly corner of said Parcel 1, on the easterly right of way line of the frontage road (now know as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along the southeasterly boundary of said Parcel 1, N49°11'02"E a distance of 3.469 meters to the **POINT OF BEGINNING** on the easterly right of way line of the 10' R/W shown on the map recorded June 5, 1980, in Book 58 of Parcel Maps at Page 11, Records of Sacramento County; thence along said easterly right of way line of the 10' R/W, North12°17'08"West a distance of 75.346 meters to the southerly line of the Ingress/Egress Easement described Exhibit C-1 of the *Reciprocal Ingress and Egress Easement Agreement and Declaration of Covenants* recorded November 18, 2004, in Book 20041118 Page 2512, Official Records of Sacramento County; thence along the southerly line of said easement, North77°42'52"East a distance of 11.745 meters, and thence North49°09'35"East a distance of 3.824 meters; thence South40°50'25"East a distance of 1.829 meters; thence South49°09'35"West a distance of 1.475 meters to a point of curvature; thence along a tangent curve to the left having a radius of 17.983 meters, a chord bearing South18°52'38"West 18.136 meters, through a central angle of 60°33'54" an arc length of 19.009 meters to a point of curvature; thence along a reverse curve to the right having a radius of 178.002 meters, a chord bearing South8°06'48"East 20.443 meters, through a central angle of 6°35'02" an arc length of 20.454 meters; thence South9°56'45"East a distance of 37.753 meters to said southeasterly boundary of Parcel 1; thence along last said boundary, South49°11'02"West a distance of 2.582 meters to the **POINT OF BEGINNING**.

Containing an area of 0.03491 hectares (3,757 square feet or 0.0863 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.


Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

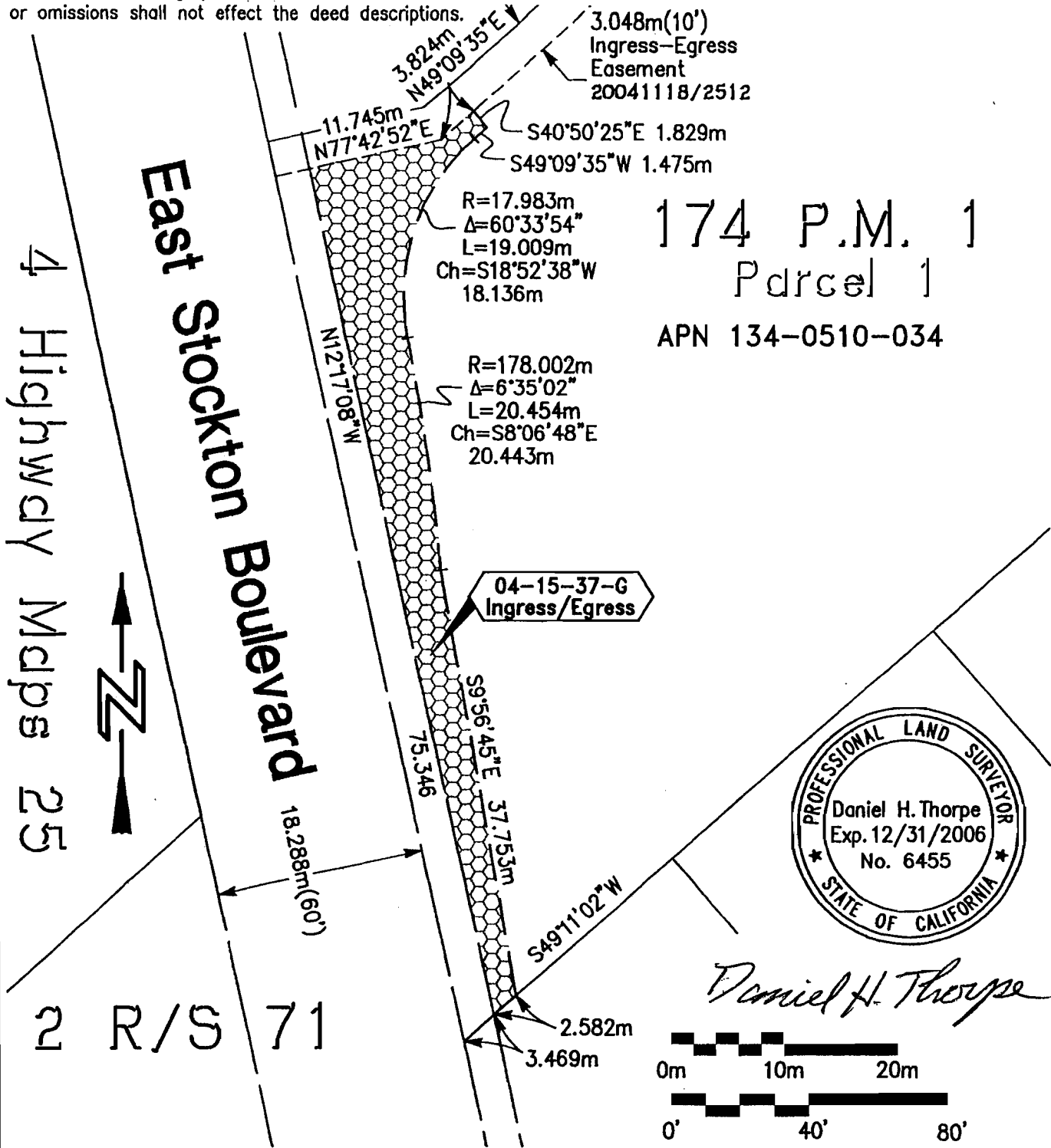


June 22, 2005
Date

Non-Exclusive, Appurtenant Ingress and Egress Easement

The appurtenant, non-exclusive easement is for the purpose of ingress and egress to and from any roads, highways, and streets and for the benefit and use of 10519 East Stockton, Elk Grove, CA, APN 134-0510-034 and adjacent properties identified as 10471 Grant Line Road, Elk Grove, Ca, APN 134-0510-035, which is described and depicted in attached Exhibits C-1 and Exhibit C-2, and 10461 Grant Line Road, Elk Grove, CA, APN 134-0510-032, which is described and depicted in attached Exhibits C-3 and C-4.

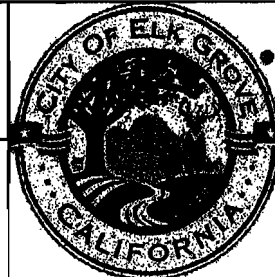
This exhibit is for graphi or omissions shall not effect the deed descriptions.



Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in meters. Divide distances shown by 0.99999 to get ground level distances.



IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCEL 04-15-37-G



Scale 1 : 500
 Date 22-Jun-2005
 By Stanley
 Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
 Ingress/Egress Easement of 0.03491±hectares
 (3,757±sq.ft. or 0.0863±acres) in
APN 134-0510-034

Exhibit 'A-2' Page 1 of 3

City Parcel 04-15-37-E
In APN 134-0510-034

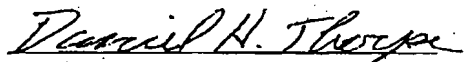
Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 1 of Jackson/El Dorado Business Center shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

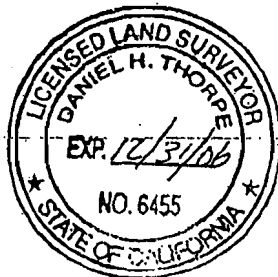
COMMENCING at the southerly corner of said Parcel 1, on the easterly right of way line of the frontage road (now know as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along the southeasterly boundary of said Parcel 1, N49°11'02"E a distance of 3.469 meters to the POINT OF BEGINNING on the easterly right of way line of the 10' R/W shown on the map recorded June 5, 1980, in Book 58 of Parcel Maps at Page 11, Records of Sacramento County; thence along said easterly right of way line of the 10' R/W, North12°17'08"West a distance of 78.394 meters to the boundary between said Parcel 1 and Parcel 2 shown on said map filed in Book 174 at Page 1; thence along last said boundary, North77°42'52"East a distance of 10.970 meters, and thence North49°09'35"East a distance of 5.433 meters, thence South40°50'25"East a distance of 10.351 meters; thence South49°09'35"West a distance of 13.351 meters; thence South13°36'57"East a distance of 35.127 meters; thence South40°48'58"East a distance of 22.038 meters to said southeasterly boundary of Parcel 1; thence along last said boundary, South49°11'02"West a distance of 23.111 meters to the POINT OF BEGINNING.

Containing an area of 0.09579 hectares (10,311 square feet or 0.2367 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.


Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



June 22, 2005
Date

Exhibit 'A-2' Page 2 of 3

City Parcel 04-15-37-F
In APN 134-0510-034

Located in the City of Elk Grove, County of Sacramento, State of California, being a 3.810 meter wide strip of land in Parcel 1 of *Jackson/El Dorado Business Center* shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

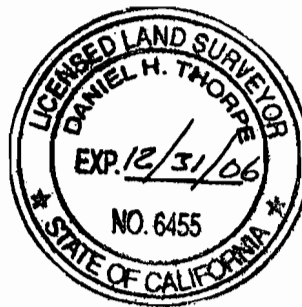
COMMENCING at the northerly corner of said Parcel 1, on the centerline of Grant Line Road as shown on said map; thence along the northeasterly boundary of said Parcel 1, South40°50'46"East a distance of 24.155 meters to the **POINT OF BEGINNING** on the southeasterly line of the *Grant Line Road Dedication* shown on said map; thence continuing along said northeasterly boundary of Parcel 1, South40°50'46"East a distance of 17.029 meters; thence South49°09'14"West a distance of 4.700 meters to the boundary between said Parcel 1 and Parcel 2 shown on said map; thence along last said boundary, North40°50'46"West a distance of 16.659 meters to said southeasterly line of the *Grant Line Road Dedication*; thence along last said line, North44°39'25"East a distance of 4.715 meters to the **POINT OF BEGINNING**.

Containing an area of 0.00792 hectares (852 square feet or 0.0196 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



May 6, 2005
Date

Temporary Construction Easement

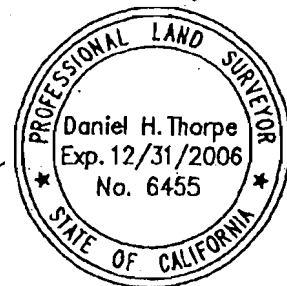
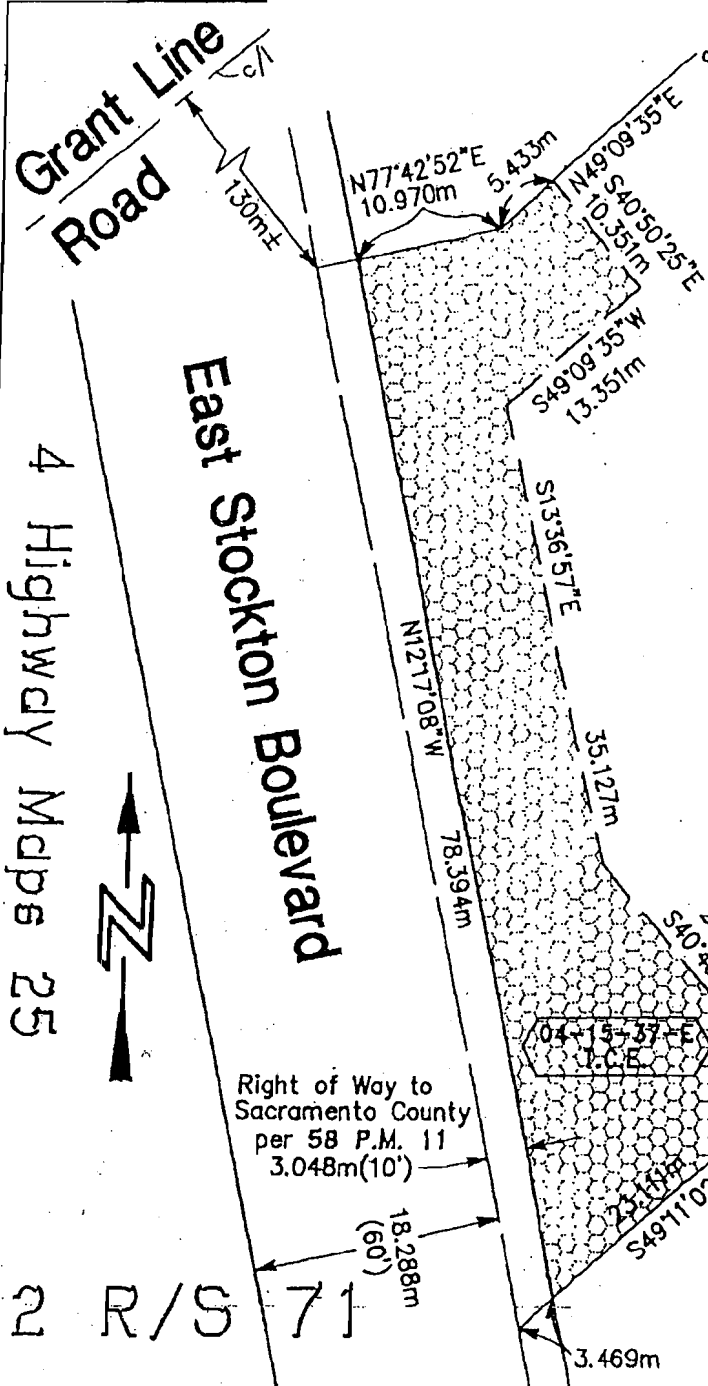
The term of the Temporary Construction Easement is for two years and shall terminate upon the complete of the construction of the Grant Line Road/State Route 99 Interchange Project, or March 1, 2008 whichever occurs earlier.

raphic purposes only. Any errors or omissions shall not effect the deed descriptions.

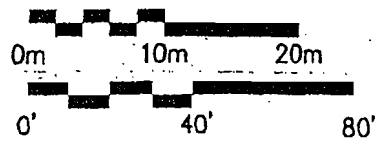
**EXHIBIT
B-4
TCE PLAT**

174 P.M. 1
Parcel 1

APN 134-0510-034
20041208/2063



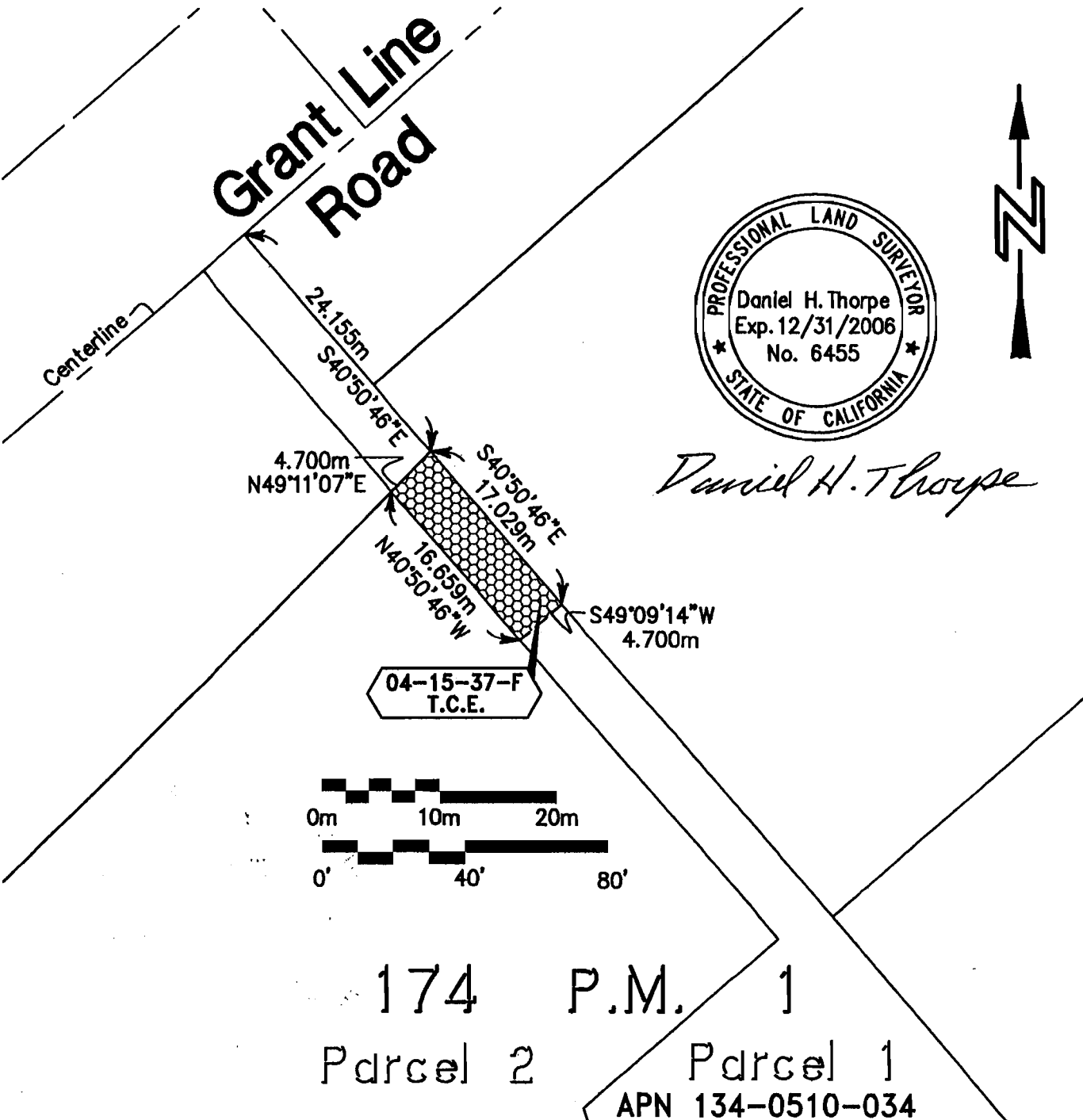
Daniel H. Thorpe



Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in meters. Divide distances shown by 0.99999 to get ground level distances.

<p>Mark Thomas & Company Inc.</p>	<p>IN THE CITY OF ELK GROVE SACRAMENTO COUNTY, CALIFORNIA CITY PARCEL 04-15-37-E</p>	
<p>Scale 1 : 500 Date 22-Jun-2005 Drawn By Stanley Checked By Thorpe</p>	<p>EXHIBIT B Plat to Accompany Legal Description Temporary Construction Easement of 0.09579±hectares 10,311±sq.ft. or 0.2367±acres) in APN 134-0510-034</p>	

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IN THE CITY OF ELK GROVE
 SACRAMENTO COUNTY, CALIFORNIA
 CITY PARCEL 04-15-37-F



Scale 1 : 500
 Date 6-May-2005
 Drawn By Stanley
 Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
 Temporary Construction Easement of 0.00792±hectares
 (852±sq.ft. or 0.0196±acres) in
 APN 134-0510-034

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-291**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

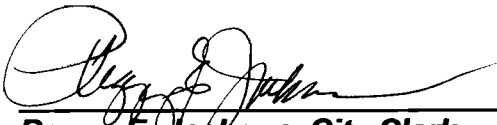
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:

AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

